



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS  
AUDIT EXAMINATION OF THE  
LIVINGSTON COUNTY CLERK**

**Calendar Year 1999**

**EDWARD B. HATCHETT, JR.  
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**EXECUTIVE SUMMARY**  
**LIVINGSTON COUNTY**  
**JAMES JONES, COUNTY CLERK**  
**CALENDAR YEAR 1999**  
**FEE AUDIT**

**Description of Office:**

The office of the County Clerk is mandated and regulated by state laws and regulations. The office of the County Clerk has been charged with the responsibility of licensing all motor vehicles and boats, collecting sales and property taxes on the same, registering voters, tabulating election results, and recording all manner of deeds, real estate and chattel mortgages as well as a myriad of other recordings. The County Clerk is also responsible for the collection of delinquent taxes and fees on delinquent tax bills received from the County Sheriff each year.

**Financial Condition:**

The County Clerk received \$1,488,984 and properly disbursed all funds. Included with the disbursements were \$29,772 of excess fees paid to the fiscal court. There was no outstanding debt at year end.

**Financial Notes:**

1. The County Clerk's bank deposits were fully collateralized and supported by written agreement.
2. The County Clerk's Libraries and Archives microfilming grant balance of \$3,857 was fully expended.
3. The County Clerk purchased employee health insurance with excess fees of his office.



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Edward B. Hatchett, Jr.  
Auditor of Public Accounts

To the People of Kentucky

Honorable Paul E. Patton, Governor

John P. McCarty, Secretary

Finance and Administration Cabinet

Mike Haydon, Secretary, Revenue Cabinet

Honorable Joe Ward, Livingston County Judge/Executive

Honorable James Jones, Livingston County Clerk

Members of the Livingston County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the County Clerk of Livingston County, Kentucky, for the year ended December 31, 1999. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office is required to prepare the financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles. This cash basis system does not require the maintenance of a general fixed asset group or general long-term debt group of accounts. Accordingly, the accompanying financial statement is not intended to present financial position and results of operations in conformity with generally accepted accounting principles.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the County Clerk for the year ended December 31, 1999, in conformity with the basis of accounting described above.

To the People of Kentucky  
Honorable Paul E. Patton, Governor  
John P. McCarty, Secretary  
Finance and Administration Cabinet  
Mike Haydon, Secretary, Revenue Cabinet  
Honorable Joe Ward, Livingston County Judge/Executive  
Honorable James Jones, Livingston County Clerk  
Members of the Livingston County Fiscal Court

In accordance with Government Auditing Standards, we have also issued a report dated July 31, 2000, on our consideration of the County Clerk's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
July 31, 2000



LIVINGSTON COUNTY  
JAMES JONES, COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

Calendar Year 1999

Receipts

State Grants		\$	3,857
State Fees For Services			7,832
Fiscal Court			5,735
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	262,556	
Usage Tax		519,571	
Tangible Personal Property Tax		545,476	
Licenses-			
Fish and Game		5,667	
Marriage		3,381	
Westvaco		861	
Deed Transfer Tax		16,098	
Delinquent Tax		45,692	1,399,302
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts	\$	6,661	
Real Estate Mortgages		12,454	
Chattel Mortgages and Financing Statements		33,321	
Powers of Attorney		625	
All Other Recordings		9,968	
Charges for Other Services-			
Candidate Filing Fees		20	
Copywork		2,280	
Miscellaneous		1,338	66,667
Other:			
Ad Val Tax Lien	\$	2,228	
Titles		1,988	4,216
Interest Earned			1,375
Gross Receipts (Carried Forward)		\$	1,488,984

LIVINGSTON COUNTY  
 JAMES JONES, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 Calendar Year 1999  
 (Continued)

Gross Receipts (Brought Forward) \$ 1,488,984

Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$ 208,670	
Usage Tax	503,521	
Tangible Personal Property Tax	225,648	

Licenses-

Fish and Game	5,545	
Delinquent Tax	7,584	
Legal Process Tax	8,798	
Marriage Licenses	<u>1,323</u>	\$ 961,089

Payments to Fiscal Court:

Tangible Personal Property Tax	\$ 43,343	
Delinquent Tax	6,019	
Deed Transfer Tax	<u>15,293</u>	64,655

Payments to Other Districts:

Tangible Personal Property Tax	\$ 254,437	
Delinquent Tax	<u>21,073</u>	275,510

Payments to Sheriff 1,217

Payments to County Attorney 5,706

Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies Salaries	\$ 47,959
Part-Time Salaries	11,745

Employee Benefits-

Employer's Paid Health Insurance	5,635
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Contracted Services-

Fish and Game	820
Advertising	63
Printing and Binding	1,594

JAMES JONES, COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 Calendar Year 1999  
 (Continued)

Operating Disbursements and Capital Outlay:  
 (Continued)

Materials and Supplies-			
Office Supplies	\$	944	
Other Charges-			
Conventions and Travel		1,743	
Dues		350	
Postage		297	
Bank Service Charges		23	
Refunds		2,248	
Maintenance and Repairs		6,339	
Miscellaneous		277	
Capital Outlay-			
Office Equipment		9,214	
Roller Shelving and Canvas Covers		3,857	\$ 93,108
Total Disbursements			<u>\$ 1,401,285</u>
Net Receipts			\$ 87,699
Less: Statutory Maximum	\$	53,639	
County Clerk's Training Incentive		688	<u>54,327</u>
Excess Fees			\$ 33,372
Less: Expense Allowance			<u>3,600</u>
Excess Fees Due County for Calendar Year 1999			\$ 29,772
Payments to County Treasurer - February 4, 2000			<u>29,772</u>
Balance Due at Completion of Audit			<u><u>\$ 0</u></u>

The accompanying notes are an integral part of the financial statement.

LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 1999

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting pursuant to KRS 68.210 as recommended by the State Local Finance Officer. Revenues and related assets are generally recognized when received rather than when earned. Certain expenses are recognized when paid rather than when a liability is incurred, including capital asset purchases. Certain other expenses are recognized when a revenue and the related asset can be associated with a corresponding liability due another governmental entity.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 7.28 percent.

LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 1999  
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is present in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 64.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of December 31, 1999, the County Clerk's deposits were fully insured or collateralized at a 100% level with collateral of either pledged securities held by the County Clerk's agent in the County Clerk's name, or provided surety bond which named the County Clerk as beneficiary/obligee on the bond.

Note 4. Grant

The County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$15,561, remaining funds in 1999 totaled \$3,848. The account earned interest of \$9 during 1999. The total remaining funds of \$3,857 were expended during calendar year 1999.

Note 5. Health Insurance Premiums

KRS 61.405 allows county fee officials to purchase twelve (12) months of health insurance coverage for their employees, if excess fees are available. Therefore, the expenditures are allowable. The Attorney General has issued opinion 92-108, which claims the statute is unconstitutional and discriminatory. The Attorney General also issued OAG 94-11 on February 25, 1994, stating health or medical insurance provided uniquely for an official and not in connection with a government program providing benefits to all county employees would be personal in nature.

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS







Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Honorable Joe Ward, Livingston County Judge/Executive  
Honorable James Jones, Livingston County Clerk  
Members of the Livingston County Fiscal Court

Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the Livingston County Clerk as of December 31, 1999, and have issued our report thereon dated July 31, 2000. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Livingston County Clerk's financial statement as of December 31, 1999, is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Livingston County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be a material weakness.

Honorable Joe Ward, Livingston County Judge/Executive  
Honorable James Jones, Livingston County Clerk  
Members of the Livingston County Fiscal Court  
Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified party. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
July 31, 2000

